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CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

07 MJ 2685

UNITED STATES OF AMERICA,

Plaintiff,

v.

Juan VALDERRAMA-Ortiz

Defendant.

Magistrate Case No.:

DEPUTY

COMPLAINT FOR VIOLATION OF:

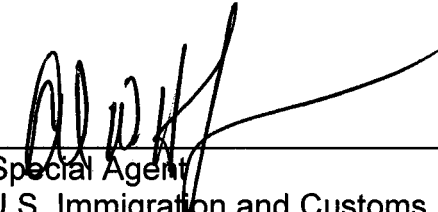
Title 8, U.S.C., Section 1326 -  
Deported Alien Found in the United States  
(Felony)

The undersigned complainant being duly sworn states:

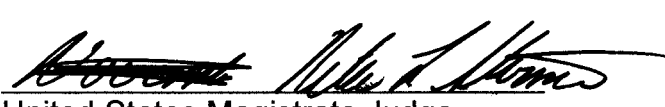
COUNT 1

On or about November 15, 2007, within the Southern District of California, Juan VALDERRAMA-Ortiz, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
Special Agent  
U.S. Immigration and Customs  
Enforcement

Sworn to before me and subscribed in my presence this 16<sup>th</sup> day of November 2007.

  
United States Magistrate Judge

*cel*

## Statement of Facts

These facts are based on my personal participation in this investigation and on written and oral statements received from other law enforcement officers. I submit that the facts contained in this statement demonstrate that probable cause exists to believe that the defendant named in the attached complaint committed the crimes charged in the complaint.

The complainant states that on November 15, 2007, the DEFENDANT Juan VALDERRAMA-Ortiz came to the complainant's attention pursuant to duties with the Department of Homeland Security, U.S. Immigration and Customs Enforcement (ICE), Marine Task Force. On November 15, 2007, U.S. Customs and Border Protection (CBP) Marine Interdiction Agents were conducting a routine maritime patrol near the international border of the United States and Mexico in the Pacific Ocean. At approximately 0015 hours, CBP Agents identified a small vessel traveling northbound from the international border, into United States waters from Mexico. The CBP Marine Interdiction Agents stopped and boarded the suspect vessel approximately ten miles north of the international border. At the time the suspect vessel was boarded, it was determined that there were six people on board, one United States citizen and five citizens of Mexico, including the DEFENDANT Juan VALDERRAMA-Ortiz. CBP Agents determined that all five Mexican citizens were aliens not in possession of any lawful documents or other authorization with which to enter or remain in the United States.

CBP agents transported the suspect vessel and its six occupants to the Marine Corps Recruit Depot Marina and contacted the ICE Marine Task Force (MTF) for assistance. ICE MTF agents responded, and after a thorough search of the San Diego area, were able to locate and arrest two additional subjects involved in the alien smuggling conspiracy at approximately 0530 hours. CBP Agents transported all six individuals from the suspect vessel to the San Ysidro, California Port of Entry for processing.

The DEFENDANT, who was interviewed as a material witness in the alien smuggling case, stated to MTF agents that his name is Juan VALDERRAMA-Ortiz, and that he is a citizen of Mexico by virtue of birth in Mexico. The DEFENDANT stated that he was born on March 10, 1982, and that he was going to pay \$4,500.00 to be brought to the United States from Mexico.

At approximately 1430 hours, the complainant arrived at the San Ysidro Port of Entry. At that time, the DEFENDANT'S fingerprints were queried in an automated fingerprint system, resulting in a match with FBI number 566404NC2 and IDENT FINS number 1056994386. Immigration databases and record checks done by the complainant reveal that the DEFENDANT is a citizen and national of Mexico, previously assigned A-File A94 393 079. The DEFENDANT was ordered removed from the United States on April 11, 2007, and was subsequently removed from the United States to Mexico on April 12, 2007. The complainant was able to obtain Form I-205 (Warrant of Removal/Deportation)



executed on April 11, 2007, from A-File A94 393 079 located at the ICE Law Enforcement Support Center. The Form I-205 with the DEFENDANT'S right index fingerprint upon it documents the DEFENDANT'S physical removal from the United States on April 12, 2007. On August 5, 2007, the United States Border Patrol apprehended the DEFENDANT near Andrade, California. The previously issued order of removal was reinstated and the DEFENDANT was subsequently removed from the United States to Mexico.

The complainant was unable to find any evidence that the Defendant has applied for or been granted permission to return to the United States lawfully after his removal on April 12, 2007.

On November 15, 2007, at approximately 1825 hours, the DEFENDANT was read his Miranda Rights, in Spanish. The DEFENDANT stated that he understood his rights and chose freely to answer questions without an attorney present. The DEFENDANT confirmed that he is a native and citizen of Mexico, by virtue of birth in Carnacion de Diaz, Jalisco, Mexico. The DEFENDANT confirmed that he was going to pay \$4,500.00 to be smuggled into the United States from Rosarito, Mexico. The DEFENDANT further confirmed that he had been ordered removed from the United States on two occasions, and that he had been advised by United States Immigration officials that he could not return to the United States without first obtaining permission. The DEFENDANT admitted that he had not sought or obtained consent to apply for admission to or otherwise reenter the United States.

On the basis of the above information, the complainant concludes to the best of his ability that there is probable cause to believe that the DEFENDANT, Juan VALDERRAMA-Ortiz, has committed a criminal violation of Title 8, United States Code, Section 1326.